



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

VIA UPS

JUN 23 2014

Phillip Hunt, EHS Manager
Wolverine Advanced Materials
201 Industrial Park Road
Blacksburg, VA 24060

**Re: Notice of Violation
Compliance Evaluation Inspection
May 7, 2014
EPA ID No. VAD065408692**

Docket No: R3-14-NOV-RCRA-15

Dear Mr. Hunt:

On May 7, 2014 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of your facility under the federally authorized Commonwealth of Virginia Hazardous Waste Management Regulations ("VAHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. The Inspection Report is enclosed with this letter. Based on the inspection, EPA has determined that Wolverine Advanced Materials in Blacksburg, VA (Wolverine or the Facility) has violated regulations under VAHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violations are:

1. During the facility inspection, the inspectors observed two satellite drums holding waste solvents with the small bung open. In addition, a drum of waste solvent was observed in the prep area without a lid. Regulations at 9 VAC 20-60-265 [40 CFR 265.173(a)] require containers of hazardous waste to be kept closed except when adding or removing waste.
2. With the exception of the EHS Manager, none of the emergency coordinators' (contacts') have hazardous wastes responsibilities listed in their job descriptions as required by 9 VAC 20-60-265 [40 CFR 265.16(d)(2)]. In addition, those people do not appear to receive annual RCRA training as required by 9 VAC 20-60-265 [40 CFR 265.16(c)].
3. Wolverine's Contingency Plan must be update to reflect the change in the emergency coordinator list as required by 9 VAC 20-60-265 [40 CFR 265.54(d)].

4. Wolverine did not maintain the fully signed final copy of three manifests (#007459988FLE shipped 4/16/14, #007459717FLE shipped 3/19/14, and #007460788FLE shipped 2/31/14) as required by 9 VAC 20-60-262 [40 CFR 262.42].


Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Kenneth J. Cox
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the Information for Small Businesses memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

June 23, 2014
Date

Enclosure

cc: Russell Deppe (VADEQ) with Enclosure
Terry DiFiore (3WC31) w/o Enclosure
~~Ken Cox (3WC31) w/o Enclosure~~

July 9, 2014

Mr. Kenneth J. Cox
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency – Region III
1650 Arch Street
Philadelphia, PA 19103

**RE: Notice of Violation
Compliance Evaluation Inspection
May 7, 2014
EPA ID No. VAD065408692**

Docket No: R3-14-NOV-RCRA-15

Dear Mr. Cox

This letter is to address the compliance evaluation inspection that was conducted at Wolverine Advanced Materials 201 Industrial Park Road Blacksburg VA 24060 on May 7, 2014

Below you will find the NOV and corrective actions that have been put in place to correct these violations.

1. During the facility inspection, the inspectors observed two satellite drums holding waste solvents with the small bung open. In addition, a drum of waste solvent was observed in the prep area without a lid. Regulations at 9 VAC 20-60-265 (40 CFR 265.173(a) require containers of hazardous waste to be kept closed when adding or removing waste.
Corrective Action: Hazardous waste training has been conducted with employees and a hazardous waste document has been put in place for employees to refer back to. In addition internal audits are being conducted to ensure compliance is being met.
2. With the exception of the EHS Manager, none of the emergency coordinators' (contacts') have hazardous waste responsibilities listed in their job descriptions as required by 9 VAC 20-60-265 40CFR 265.16 (d) (2). In addition, those people do not appear to receive annual RCRA training as required by 9 VAC 20-60-265 40 CFR 265.16 (c).

Corrective Action: First responders now have hazardous waste responsibilities listed in their job descriptions as required by 9 VAC 20-60-265 40 CFR 265.16 (d) (2). In addition all of these individuals will be receiving RCRA training as required by 9 VAC 20-60-265 40 CFR 265.16 (c).

3. Wolverines Contingency Plan must be updated to reflect the change in the emergency coordinator list as required by 9 VAC 20-60-265 40 CFR 265.54 (d).

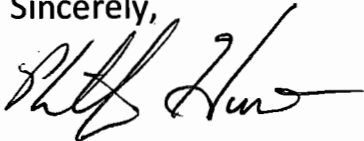
Corrective Action: Wolverine's Contingency Plan has been updated to reflect the change in the emergency coordinators list as required by 9 VAC 20-60-265 40 CFR 265.54 (d).

4. Wolverine did not maintain the fully signed final copy of three manifests (#007459988FLE shipped 4/16/14, #007459717FLE shipped 3/19/14 and #007460788FLE shipped 2/31/14) as required by 9 VAC 20-60-262 40 CFR 262.42.

Corrective Action: Wolverine has received these three manifests from the shipper and now has them on file.

If you have questions regarding the corrective actions that have been put in place to resolve these issues please feel free to contact me.

Sincerely,



Phillip Hunt

EHS Manager

Wolverine Advanced Materials

201 Industrial Park Rd

Blacksburg VA 24060

540-494-7670